

UNITED STATES DISTRICT COURT

for the
Eastern District of New York

____ Division

SONIA SANDOVAL, as Administratrix of Estate of
OSVALDO FLORES OLGUIN, deceased, and SONIA
SANDOVAL, Individually,_____
Plaintiff(s)*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-v-

CATERPILLAR, INC.,

Defendant(s)*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

Case No. _____

*(to be filled in by the Clerk's Office)*Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	SONIA SANDOVAL
Street Address	9 Storey Avenue
City and County	Central Islip, Suffolk County
State and Zip Code	New York, 11722
Telephone Number	(631) 356-8727
E-mail Address	trivera1823@gmail.com

B. The Defendant(s)Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

Defendant No. 1

Name	CATERPILLAR, INC.,
Job or Title <i>(if known)</i>	Corporation
Street Address	100 NE Adams Street
City and County	Peoria, Peoria County
State and Zip Code	Illinois, 61629
Telephone Number	(309) 675-2337
E-mail Address <i>(if known)</i>	unknown

Defendant No. 2

Name	N/A
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	N/A
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	N/A
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐

Federal question

☒

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Not Applicable

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* SONIA SANDOVAL, is a citizen of the State of *(name)* NEW YORK.

b. If the plaintiff is a corporation

The plaintiff, *(name)*, is incorporated under the laws of the State of *(name)*, and has its principal place of business in the State of *(name)*.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)*, is a citizen of the State of *(name)*. Or is a citizen of *(foreign nation)*.

b. If the defendant is a corporation

The defendant, (name) CATERPILLAR, INC., is incorporated under the laws of the State of (name) Delaware, and has its principal place of business in the State of (name) Illinois.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

The amount in controversy exceeds \$75,000.00. Plaintiff demands \$4,000,000.00 for the wrongful death of OSVALDO FLORES OLGUIN, deceased.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

PLEASE SEE ATTACHED PAGE WITH STATEMENT OF CLAIM.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff seeks monetary damages in the amount of \$4,000,000.00 for pain and suffering. On October 9, 2020, the tire that was defective due to Defendant's negligence exploded in Plaintiff-Decedent's face at 4:30PM. The trauma resulted in a gaping, painful hole in his face. Plaintiff-Decedent suffered until approximately 4:50PM when he was pronounced dead at the scene. Plaintiff has suffered loss of services of her husband, the decedent, and has been forced to incur expenses due to his injuries.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

9/17/2021

Signature of Plaintiff



Printed Name of Plaintiff

SONIA SANDOVAL

B. For Attorneys

Date of signing:

9/17/2021

Signature of Attorney



Printed Name of Attorney

SANDRA M. RADNA, ESQ.

Bar Number

2551919

Name of Law Firm

LAW OFFICES OF SANDRA M. RADNA, P.C.

Street Address

200 Broadhollow Road, Suite 314, Melville

State and Zip Code

New York, 11747

Telephone Number

631-754-6382

E-mail Address

sandra@radnalaw.com

**SONIA SANDOVAL, as Administratrix of
Estate of OSVALDO FLORES OLGUIN, deceased,
and SONIA SANDOVAL, Individually,
against
CATERPILLAR, INC.**

Statement of Claim:

OSVALDO FLORES OLGUIN, deceased, was attempting to remove the right-front tire/wheel combination from the Caterpillar forklift truck on October 9, 2020, at approximately 4:30PM. The tire exploded as the outer half of the wheel rapidly unexpectedly and without warning moved outboard. Both the tire, and wheel half, struck MR. OLGUIN in the head resulting in his death. MR. OLGUIN was pronounced dead at approximately 4:50PM on October 9, 2020. Caterpillar, Inc. the designer and prime contractor for the subject Caterpillar forklift truck, is liable for the Decedent's death because it either specified a split rim construction of the forward wheels of its forklift truck or accepted such defective design from the wheel manufacturer. Caterpillar, Inc's failure to warn about the defective and dangerous wheel design proximately caused MR. OLGUIN's death. Caterpillar, Inc. should have, but did not, install effective, permanent warning on the hub of the split wheels or metal structures proximate to those nuts holding the two wheel halves together. MR. OLGUIN had no knowledge of the risk he was taking when dismounting the subject wheel.

Civil Action No.
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Year

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SONIA SANDOVAL, as Administratrix of Estate of
OSVALDO FLORES OLGUIN, deceased;

Plaintiffs,

- against -

CATERPILLAR, INC.,

Defendant.

COMPLAINT

LAW OFFICES OF
SANDRA M. RADNA, P.C.
Attorneys for Plaintiff
200 Broadhollow Road, Suite 314
Melville, New York 11747
(631) 754-6381 (telephone)
(631) 754-6381 (facsimile)

30 Wall Street, 8th Floor
New York, New York 10005-3101
(212) 709-8187 (telephone)
(212) 943-2300 (facsimile)

To:

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

[] that the within is a (certified) true copy of a entered in the office of the clerk of the within named Court on 20

[] that an Order of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court, at on , 20 , at .m.

Dated:

LAW OFFICES OF SANDRA M. RADNA, P.C.
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Melville, New York, 11747
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